

## **PERMIT**

Permittee: WestRock  
125 Depot Road  
Uncasville, CT 06382

Attn: Lewis Armstrong

Permit No: DIV-201604462 (Renewal of DIV-200000069)

Town: Montville

Project: Diversion of water for industrial processes and cogeneration of power

Waters: Oxoboxo Brook, Gay Cemetery Pond (a.k.a. Gair Pond)

Pursuant to Connecticut General Statutes Section 22a-368, the Commissioner of Energy and Environmental Protection (“Commissioner”) hereby grants a permit to WestRock (“the Permittee”) to conduct regulated activities associated with the diversion of water for industrial processes and cogeneration of power at the WestRock facility located at 125 Depot Road in the village of Uncasville in Montville. The purpose of said activities is to support industrial process water needs and cogeneration of electrical power.

### **AUTHORIZED ACTIVITY**

Specifically, the permittee is authorized to: divert 0.820 million gallons of water per day from Oxoboxo Brook via Gay Cemetery Pond.

The activities proposed will impact Oxoboxo Brook and Gay Cemetery Pond.

All activities shall be conducted in accordance with plans entitled: “*WestRock / 1934 Drawing Showing Pipeline and Facility / Diversion Permit Renewal Application*” prepared by Fuss & O’Neill, dated 3/16/2016, submitted as a part of the application.

This authorization is subject to and does not derogate any present or future property rights or other rights or powers of the State of Connecticut, conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity affected thereby.

***The permittee's failure to comply with the terms and conditions of this permit shall subject the permittee, including the permittee's agents or contractor(s) to enforcement actions and penalties as provided by law.***

This authorization is subject to the following conditions:

**CONDITIONS:**

1. **Expiration.** This permit shall expire on [15 years].
2. **Construction Commencement and Completion.** If construction of any structures or facilities authorized herein is not completed within three years of issuance of this permit or within such other time as may be provided by this permit, or if any activity authorized herein is not commenced within three years of issuance of this permit or within such other time as may be provided by this permit, this permit shall expire three years after issuance or at the end of such time as may be authorized by the Commissioner.
3. **Notification of Project Initiation.** The permittee shall notify the Commissioner in writing two weeks prior to: (A) commencing construction or modification of structures or facilities authorized herein; and (B) initiating the diversion authorized herein.
4. **De minimis Alteration.** For Water Diversion Permits (CGS 22a-368) - The permittee may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this permit unless the permittee applies for and receives a modification of this permit in accordance with the provisions of section 22a-377(c)-2 of the Regulations of Connecticut State Agencies. Except as authorized by subdivision (5) of section 22a-377(b)-1(a) of the Regulations of Connecticut State Agencies, the permittee may not make any de minimis alterations to any structure, facility, or activity authorized by this permit without written permission from the Commissioner. A de minimis alteration means an alteration which does not significantly increase the quantity of water diverted or significantly change the capacity to divert water.
5. **Maintenance of Structures.** All structures, facilities, or activities constructed, maintained, or conducted pursuant hereto shall be consistent with the terms and conditions of this permit, and any structure, facility or activity not specifically authorized by this permit, or exempted pursuant to section 22a-377 of the General Statutes or section 22a-377(b)-1 of the Regulations of Connecticut State Agencies, or otherwise exempt pursuant to other General Statutes, shall constitute a violation hereof which may result in modification, revocation or suspension of this permit or in the institution of other legal proceedings to enforce its terms and conditions.

Unless the permittee maintains in optimal condition any structures or facilities authorized by this permit, the permittee shall remove such structures and facilities and restore the affected waters to their condition prior to construction of such structures or facilities.

6. **Accuracy of Documentation.** In issuing this permit, the Commissioner has relied on information provided by the permittee. If such information was false, incomplete, or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.
7. **Best Management Practices & Notification of Adverse Impact.** In constructing or maintaining any structure or facility or conducting any activity authorized herein, or in removing any such structure or facility under condition 5 hereof, the permittee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. Best Management Practices include, but are not limited, to practices identified in the *Connecticut Guidelines for Soil Erosion and Sediment Control* as revised, 2004 *Connecticut Stormwater Quality Manual*, Department of Transportation's *ConnDOT Drainage Manual* as revised, and the Department of Transportation Standard Specifications as revised.

The permittee shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein.

8. **Reporting of Violations.** The permittee shall, no later than 48 hours after the permittee learns of a violation of this permit, report same in writing to the Commissioner. Such report shall contain the following information:
  - a. the provision(s) of this permit that has been violated;
  - b. the date and time the violation(s) was first observed and by whom;
  - c. the cause of the violation(s), if known
  - d. if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and times(s) it was corrected;
  - e. if the violation(s) has not ceased, the anticipated date when it will be corrected;
  - f. steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;
  - g. the signatures of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify said report in accordance with condition 12 of this permit.
9. **Material Storage in the Floodplain.** The storage of any materials at the site which are buoyant, hazardous, flammable, explosive, soluble, expansive, radioactive, or which

could in the event of a flood be injurious to human, animal or plant life, below the elevation of the five-hundred (500) year flood is prohibited. Any other material or equipment stored at the site below said elevation by the permittee or the permittee's contractor must be firmly anchored, restrained or enclosed to prevent flotation. The quantity of fuel stored below such elevation for equipment used at the site shall not exceed the quantity of fuel that is expected to be used by such equipment in one day.

10. **Permit Transfer.** This permit is not transferable without the prior written consent of the Commissioner.
11. **Contractor Notification.** The permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.
12. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee or a responsible corporate officer of the permittee, a general partner of the permittee, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement in the submitted information may be punishable as a criminal offense in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53a-157b and in accordance with any other applicable statute.”
13. **Submission of Documents.** Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

Director, Inland Water Resources Division  
Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice

by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" means any calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

- 14. Rights.** This permit is subject to and does not derogate any rights or powers of the State of Connecticut, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state, and local law. In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this State. The issuance of this permit shall not create any presumption that this permit should be renewed.
- 15. Metering of Withdrawals.** The permittee shall install a totalizing flow meter(s) to measure the total amount of water withdrawn from the Gay Cemetery Pond on Oxoboxo Brook for which withdrawals are authorized herein, and shall for the duration of this authorization continuously operate and maintain such meter in good working order. In the event of meter malfunction or breakage, the permittee shall repair or replace such meter(s) within 72 hours.
- 16. Daily Withdrawal Record.** The permittee shall maintain a daily record of the meter readings indicating the total volume of water in gallons withdrawn from Gay Cemetery Pond on Oxoboxo Brook that day. The daily record shall also record the hours of operation, the time of meter readings, and denote and explain any instances in which the diversion of water exceeded the authorized withdrawal limitation(s) specified in this permit. A copy of the daily record of withdrawals shall be included in the Annual Report to the Commissioner required by Condition #24 of this permit.
- 17. Other Restrictions.** The DEEP shall have the right to restrict the diversion authorized in this permit at any time the Commissioner in his judgment determines: a) a declared local, regional or state-wide drought advisory, watch, warning or emergency necessitates restriction or reduction of water uses, or b) the continuation of the diversion would have an adverse effect on water quality, fisheries resources, aquatic habitat or public health.
- 18. Meter Calibration and Reporting.** The permittee shall annually test and calibrate each source meter to within two percent accuracy as shown through a post-calibration test. The permittee shall maintain a record of the accuracy and calibration test(s) along with supporting documentation and certifications. The permittee shall make a copy of said records available to the Commissioner or the Commissioner's designee immediately upon request.

- 19. Water Supply Management Plan.** The permittee shall implement the Oxoboxo Brook Diversion Water Supply Management Plan, prepared by Black & Veatch Engineers-Architects, dated September 1988. The permittee shall report any action taken pursuant to the water supply management plan as part of the Annual Report to the Commissioner required by condition #24 of this permit.
- 20. Water Conservation and Emergency Contingency Plan.** The permittee shall implement its Water Conservation and Emergency Contingency Plan ("the Plan"), as described in the permittee's application. The permittee shall maintain a summary of all actions taken each year pursuant to the Plan and a description of the estimated or actual water savings achieved. A copy of this summary shall be included in the Annual Report to the Commissioner required by condition #24 of this permit.
- 21. Flow Blockage.** The permittee shall maintain all spillways and channels appurtenant to Oxoboxo Lake dam to be free from obstructions to flow. Inspections shall be conducted on a monthly basis and any debris, vegetative growth and/or fallen rock shall be immediately removed. Likewise, any material that has been transported downstream by diverted flow from WestRock (or its successor's) property, and lodged against or in any culvert beneath Oxoboxo Lake Road, shall also be removed.
- 22. Record Keeping Requirements.** Except as provided below, or as otherwise specified in writing by the commissioner, all information required under this permit shall be retained at the subject site, or be readily available on request. The permittee shall maintain a copy of this permit on site at all times. The permittee shall retain copies of all records and reports required by this permit; and records of all data used to compile these reports for a period of at least ten years from the date such data was generated or report created, whichever is later.
- 23. Recording and Reporting Violations.** Within 48 hours after the permittee learns of a violation of this permit, the permittee shall submit in writing a report of the violation to the Commissioner. Such report shall be certified in accordance with Condition #12 and shall include the following information:

  - a. The provision(s) of this permit that has been violated;
  - b. The date and time the violation(s) was first discovered and by whom;
  - c. The cause of the violation(s), if known;
  - d. If the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and time(s) it was corrected;
  - e. If the violation(s) has not ceased, the anticipated date when it will be corrected; and
  - f. Actions taken and actions planned to prevent a reoccurrence of the violation(s) and the date(s) such actions were implemented or will be implemented.

**24. Annual Reporting.** The permittee shall submit by January 15 of each year, for the duration of this authorization, an Annual Report for the preceding calendar year. The Annual Report shall be certified in accordance with Condition #12 of this permit and shall contain the following:

- a. a copy of the record of daily withdrawals and hours operated as required by condition #16 of this permit,
- b. a report of any action taken pursuant to the water supply management plan as required by condition #19 of this permit,
- c. a copy of the summary of all actions taken each year, including a description of the estimated or actual water savings achieved, pursuant to the permittee's Water Conservation and Emergency Action Plan as required by condition #20 of this permit, and
- d. denotation and explanation of any instances of violation of the authorized withdrawal limitation(s) or any other condition of this authorization.

Issued by the Commissioner of Energy and Environmental Protection on:

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Date

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Michael Sullivan  
Deputy Commissioner